

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**MARIA L. HORCASITAS**  
Claimant

VS.

**MONFORT, INC.**  
Respondent  
Self-Insured

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Docket Nos. 198,812  
& 198,813

**ORDER**

Claimant appeals from a preliminary hearing Order entered by Administrative Law Judge Jon L. Frobish dated April 24, 1996 which denied claimant's request for medical benefits.

**ISSUES**

In her Application for Review claimant states that the issues are:

- "A. The Order, entered herein by Judge Jon L. Frobish, is contrary to the evidence that has been presented and the record.
- "B. The Claimant is entitled to medical treatment all based upon the record and testimony given."

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the briefs submitted by the parties, the Appeals Board finds and concludes as follows:

In appeals from preliminary hearing orders the jurisdiction of the Appeals Board is limited to applications for review which allege that the administrative law judge exceeded his or her jurisdiction. See K.S.A. 44-551, as amended by S.B. 649 (1996). This includes review of specific issues listed in K.S.A. 44-534a, as amended by S.B. 649 (1996). The Application for Review submitted by the claimant does not state a jurisdictional issue.

Briefs submitted by the parties do address jurisdictional issues, specifically whether claimant's injuries arose out of and in the course of her employment and whether claimant gave timely notice as required by K.S.A. 44-520.

The Order entered by the Administrative Law Judge does not state the reason for denying the benefits. As the Appeals Board has previously indicated, when the Order denies benefits without stating a reason, the Appeals Board often is left with no logical basis for determining what is to be reviewed. While the Act contains no expressed requirement that the administrative law judge make findings or state the reason for his or her decision, the Appeals Board often cannot perform its statutorily mandated function unless the administrative law judge states the reason benefits are denied.

A review of the record in this case reveals conflicting evidence relating to whether claimant suffered an accidental injury arising out of and in the course of her employment on either of the two occasions. There is also conflicting evidence relating to whether she gave notice. The Administrative Law Judge may have found in favor of the claimant on both of those issues but determined claimant had not established a need for medical treatment. The Appeals Board, therefore, remands this claim with the request that the Administrative Law Judge identify the reason or reasons for denying the claim as to each of the two docketed claims.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that this claim should be remanded to the Administrative Law Judge with directions to identify the basis for denying benefits and to do so separately for each docketed claim. The Appeals Board does not retain jurisdiction of this appeal and if either party is aggrieved by subsequent order it may seek review by the Appeals Board only by filing a new application for review within ten days of the subsequent order as specified in K.S.A. 44-551, as amended by S.B. 649 (1996).

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of July 1996.

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BOARD MEMBER

c: Stanley R. Ausemus, Emporia, KS  
Terry J. Malone, Dodge City, KS  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Director